

**SB-2337**

Submitted on: 1/31/2018 12:14:05 PM

Testimony for GVO on 2/13/2018 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Benton Kealii Pang, Ph.D.	Hawaiian Civic Club of Honolulu	Support	No

Comments:

**SB-2337**

Submitted on: 2/5/2018 8:38:39 AM

Testimony for GVO on 2/13/2018 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jennifer Milholen	Kokua Hawaii Foundation	Support	No

Comments:

**SB-2337**

Submitted on: 2/7/2018 10:23:04 PM

Testimony for GVO on 2/13/2018 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rachel L. Kailianu	Ho`omana Pono, LLC	Support	Yes

Comments:



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SENATE COMMITTEES ON GOVERNMENT OPERATIONS,  
AGRICULTURE AND ENVIRONMENT  
COMMERCE, CONSUMER PROTECTION AND HEALTH

Tuesday, February 13, 2018; 2:45 PM, Conference Room 224  
SB 2337, Relating to Waste Management

TESTIMONY

Chairs Kim, Gabbard, Takumi and Committee Members:

**I support SB 2337** which requires that all state and county agency contractors that dispose of liquid or solid waste to provide a receipt that the waste was received and disposed of at a licensed facility before full payment is made for those contractual services.

It is unfortunate that protection of the aina against such devious disregard needs to be further legislated. But it has been shown that this additional requirement for proof of proper disposal is required. I hope that enforcement is as stringent.

Mahalo for the opportunity to submit

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**GCA of Hawaii**

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

**Quality People. Quality Projects.**

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February 13, 2018

**TO:** HONORABLE DONNA MERCADO KIM, CHAIR, HONORABLE RUSSELL RUDERMAN, VICE CHAIR AND MEMBERS OF THE SENATE COMMITTEE ON GOVERNMENT OPERATIONS

HONORABLE MIKE GABBARD, CHAIR, HONORABLE GIL RIVIERE, VICE CHAIR AND MEMBERS OF THE SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

HONORABLE ROSALYN BAKER, CHAIR HONORABLE JILL TOKUDA ESPERO, VICE CHAIR AND MEMBERS OF THE SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION AND HEALTH

**SUBJECT:** **COMMENTS REGARDINGS.B. 2337, RELATING TO WASTE MANAGEMENT.** Requires that all state and county agency contractors that dispose of liquid or solid waste to provide a receipt that the waste was received and disposed of at a licensed facility before full payment is made for those contractual services. Allows for partial payment to be made without a receipt and prior to any dumping of waste. Prohibits alteration or falsification of receipts.

HEARING

DATE: Tuesday, February 13  
TIME: 2:45 p.m.  
PLACE: Conference Room 224

Dear Chair Mercado Kim, Chair Gabbard, Chair Baker, Vice Chair Ruderman, Vice Chair Riviere, and Vice Chair Tokuda and Members of the Committees,

**The General Contractors Association of Hawaii (GCA) is writing with comments regarding S.B. 2337, Relating to Waste Management, which is very similar to S.B. 2358, Relating to Waste Management introduced in 2016, which GCA opposed.**

The GCA is an organization comprised of over approximately 500 general contractors, subcontractors, and construction related firms. The GCA was established in 1932 and is the largest construction association in the State of Hawaii. The GCA's mission is to represent its members in all matters related to the construction industry, while improving the quality of construction and protecting the public interest.

S.B. 2337 proposes to require that state and county agencies require proof of a dump receipt for liquid or solid waste from a permitted waste facility is made for those contractual services in public works construction, but allows partial payment without a receipt. Additionally, S.B. 2337 makes it a criminal misdemeanor under Section 708-872, Hawaii Revised Statutes for falsifying business records for any receipts that may be altered or falsified.

While GCA understands the intent of this measure, GCA questions whether enforcement of this proposal could further deter illegal dumping. Contractors on state or county projects are required to follow all contractual language that routinely includes a provision to lawfully dispose of any construction waste. Additionally, many public works projects are required to recycle construction waste. Penalties for non-compliance can result in losing one's contractor's license or being banned from doing public works construction in the future. This bill may still have some issues and the potential to: (1) infringe on contracts; (2) not resolve the issue of illegal dumping; and (3) interrupt receipt of lawful contractual payments for public works. The more appropriate and proper way to address such activity may be to impose some type of penalty to hold those illegally dumping waste accountable. Several years ago the Honolulu City Council worked on a bill that would increase fines for illegal stockpiling and grading of material not properly permitted. The penalty approach is the type of deterrent that may address the problem directly, rather than this approach.

Mandating contractors to submit a disposal of construction waste receipt may not deter such illegal dumping, particularly because (1) receipts from a permitted waste facility may be altered and used to satisfy an agency's receipt requirement; (2) there is no way to enforce such receipt mechanism by the agency as it would have no way to confirm the materials were from the claimed project, especially if a contractor has multiple projects ongoing at the same time; and (3) the interruption of waste disposal process, may disrupt contractual payment schedules.

Thank you for the opportunity to share our comments on this measure.

**SB-2337**

Submitted on: 1/31/2018 12:35:42 PM

Testimony for GVO on 2/13/2018 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Karin Nomura		Support	No

Comments:

**SB-2337**

Submitted on: 1/31/2018 2:33:26 PM

Testimony for GVO on 2/13/2018 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Louise Storm		Comments	No

Comments:

I object to partial payment without bonafide receipt. Who will track the lapses and enforce compliance? This would require more state personnel time/costs. There should be an expectation that the state does business only with reputable contractors who are able to maintain records of basic financial transactions, e.g. receipts.



**SB-2337**

Submitted on: 2/12/2018 7:57:29 AM

Testimony for GVO on 2/13/2018 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
keomailani von gogh		Support	No

Comments:

**SB-2337**

Submitted on: 2/12/2018 12:22:18 PM

Testimony for GVO on 2/13/2018 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Teresa Parsons	Individual	Support	No

Comments:

Senators,

For TOO long, companies and contractors were allowed to just "make their waste disappear". It is time to hold them accountable for proper disposal. I urge you to support this measure for the protection of our environment.

Mahalo for the opportunity to testify on this important measure.

**SB-2337**

Submitted on: 2/12/2018 2:07:18 PM

Testimony for GVO on 2/13/2018 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	Individual	Support	No

Comments: